

# **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10086253
Filing Date	3/1/2002
First Named Inventor	Barbara A. RINCAVAGE
Art Unit	3623
Examiner Name	RINES
Attorney Docket Number	rinc0001

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

- ☐ all the practitioners of record;
- ☐ the practitioners (with registration numbers) of record listed on the attached paper(s); or
- ☒ the practitioners of record associated with Customer Number: 25101

**NOTE:** The immediately preceding box should only be marked when the practitioners were appointed using the listed Customer Number.

The reason(s) for this request are those described in 37 CFR :

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> 10.40(b)(1)    | <input type="checkbox"/> 10.40(b)(2)     | <input type="checkbox"/> 10.40(b)(3)                       | <input checked="" type="checkbox"/> 10.40(b)(4) |
| <input type="checkbox"/> 10.40(c)(1)(i) | <input type="checkbox"/> 10.40(c)(1)(ii) | <input type="checkbox"/> 10.40(c)(1)(iii)                  | <input type="checkbox"/> 10.40(c)(1)(iv)        |
| <input type="checkbox"/> 10.40(c)(1)(v) | <input type="checkbox"/> 10.40(c)(1)(vi) | <input type="checkbox"/> 10.40(c)(2)                       | <input type="checkbox"/> 10.40(c)(3)            |
| <input type="checkbox"/> 10.40(c)(4)    | <input type="checkbox"/> 10.40(c)(5)     | <input type="checkbox"/> 10.40(c)(6) Please explain below: |   |

## **Certifications**

**Check each box below that is factually correct. WARNING: If a box is left unchecked, the request will likely not be approved.**

- ☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment.
- ☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled.
- ☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond.

Please provide an explanation, if necessary:

Attached are copies of client's termination email and attorney's termination of representation letter.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# **REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**

Complete the following section only when the correspondence address will change. *Changes of address will only be accepted to an inventor or an assignee that has properly made itself of record pursuant to 37 CFR 3.71.*

Change the correspondence address and direct all future correspondence to:

A. ☐ The address of the inventor or assignee associated with Customer Number: \_\_\_\_\_

OR

B. ☒ Inventor or Assignee name **Barbara A. RINCAVAGE and Cynthia E. RINCAVAGE**

Address **3 Gould Road**

City **Broadsville** State **PA** Zip **18322** Country **USA**

Telephone \_\_\_\_\_ Email **crinca@ptd.net ; rincavage@frontiernet.net**

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature 

Name **Philip D. Freedman** Registration No. **24163**

Address **1449 Drake Lane**

City **Lancaster** State **PA** Zip **17601** Country **USA**

Date **15aug2011** Telephone No. **717 490-6245**

**NOTE: Withdrawal is effective when approved rather than when received.**

[Page 2 of 2]

This collection of information is required by 37 CFR 1.35. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PHILIP D. FREEDMAN**

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**From:** "Cindy Rincavage" <crinca@ptd.net>  
**To:** "PHILIP D. FREEDMAN" <tekesq@comcast.net>  
**Cc:** "Barbara Rincavage" <tbrinc@ptd.net>  
**Sent:** Monday, July 18, 2011 9:40 AM  
**Subject:** RE: rinc0001

Hello Phil –

I'm not sure if you were ever aware that Barbara is the original and continual author/creator of the patent and is a retired database developer with significant technological experience and "skill in the art" and Tony (her husband) is a retired Pharmacist. I just help pay the attorney bills associated with the Patent.

We have decided to move forward with other plans and no longer need to employ your services.

Cindy

**From:** PHILIP D. FREEDMAN [mailto:tekesq@comcast.net]  
**Sent:** Tuesday, June 14, 2011 3:49 PM  
**To:** Cindy Rincavage  
**Cc:** Barbara Rincavage  
**Subject:** rinc0001

This communication may contain confidential and privileged material. If you are not the intended recipient, please delete without reading or forwarding and notify the sender. Please do not copy or use this email for any purposes, or disclose its contents to any other person. To do so could violate state and Federal privacy laws.

June 14, 2011

Ms. Cindy Rincavage  
 Ms. Barbara Rincavage  
 3 Gould Road  
 Broadheadsville, PA 18322

[crinca@ptd.net](mailto:crinca@ptd.net)  
[rincavage@frontiernet.net](mailto:rincavage@frontiernet.net)

Re:  
 Patent Application SN10086253;  
 SYSTEM AND METHOD FOR FILLING MEDICAL PRESCRIPTIONS  
 Our file rinc0001

Cindy and Barbara:

I enclose a decision of the Patent Office Board of Appeals in the above matter.

Unfortunately, the Board of Appeals affirms the decision of the examiner to reject claims 212 to 40 (all claims) of our Application SN10086253.

7/27/2011

We argued in this appeal that the references do not teach or suggest a system that admits of a pharmacist discretion, i.e. that the references do not teach or suggest (1) a pharmacist “entering [a] filled and different medication brand or dosage into [a] processing center in fulfillment of [a] prescribed prescription” (new method recitation) or (2) a processing center that “accepts filled prescription information through the network from the pharmacist in fulfillment of the prescribed information but that differs in at least one respect from medication brand or dosage of the prescribed prescription information” (the new system recitation).

The Board of Appeals Decision disagrees with our arguments, finding that Borsand teaches:

9. The pharmacist can modify the prescription after reviewing the prescription as it relates to pharmaceutical interactions, allergies, or other patient attributes that could affect the desirability of filling a particular prescription. (¶ [0087].)

10. The pharmacist enters an electronic representation of a filled prescription into the system once the pharmacist has evaluated the prescription in the context of any attributes or characteristics that could impact the desirability of a particular pharmaceutical. (¶¶ [0084], [0085] and [0086].)

11. Prescription information includes strength, quantity and the directions for taking the pharmaceutical. (¶ [0064].)

These findings are the key to the Board’s decision.

Throughout the prosecution of this case, we have argued that the examiner had not identified any teaching in the references of our claimed “a pharmacist” “entering [a] filled and different medication brand or dosage into [a] processing center in fulfillment of [a] prescribed prescription...” (pharmacist discretion method) or of a processing center that “accepts filled prescription information through the network from the pharmacist in fulfillment of the prescribed information but that differs in at least one respect from medication brand or dosage of the prescribed prescription information” (pharmacist discretion system).

The examiner has never relied upon or discussed Borsand (¶¶ [0084], [0085], and [0087]). The Board now refers to these paragraphs and [0086] to make the obvious case to our pharmacist discretion method and to our pharmacist discretion system.

As one skilled in the art, Cindy please review Borsand (¶¶ [0084], [0085], [0086] and [0087]) and provide me with your comments on whether Borsand (¶¶ [0084], [0085], [0086] and [0087]) teaches or suggests the claim language of our claim 21 pharmacist discretion method and claim 31 of our pharmacist discretion system. If you disagree with the Board’s interpretation of Borsand (¶¶ [0084], [0085], [0086] and [0087]) paragraphs, explain why you disagree.

At this time, we can file a Request for Reconsideration with the Board. However, whether or not we file a Request, we must appeal to the Fed. Circuit Court of Appeals or file an RCE with new claims no later than AUGUST 8, 2011 or abandon this application.

I will provide you with my recommendation when I have your comments.

7/27/2011

Hence, please give me your comments as I request above as soon as possible. In the meantime, if you have any questions or comments, please contact me.

Yours truly,

Phil

Philip D. Freedman  
Philip D. Freedman PC  
1449 Drake Lane  
Lancaster, Pennsylvania 17601  
717 490-6245  
703 313-0171 (cell)  
Email: [tekesq@tekesq.com](mailto:tekesq@tekesq.com)

7/27/2011

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July 28, 2011

Ms. Cindy Rincavage  
3 Gould Road  
Broadheadsville, PA 18322

Re:  
Patent Application SN10086253;  
SYSTEM AND METHOD FOR FILLING MEDICAL PRESCRIPTIONS  
Our file rinc0001

Dear Ms. Rincavage:

This email letter confirms termination of our representation. We will render no further legal services to you in this matter. The October 18, 2009 REPRESENTATION LETTER (copy attached) is terminated and our office has no further attorney-client relationship with you.

The Board of Patent Appeals and Interferences rendered a June 8, 2011 decision in your SN10086253 application that affirmed the decision of the examiner to reject claims 21 to 40 (all claims) of your Application. We advised you that we can file a Request for Reconsideration with the Board. However, whether or not we file a Request, we must appeal to the Fed. Circuit Court of Appeals or file an RCE with new claims no later than **AUGUST 8, 2011** or abandon this application. You will lose any exclusive rights to make, use or sell this invention if you abandon the case by not filing a response by August 8.

Your July 18, 2011 email states: "We have decided to move forward with other plans and no longer need to employ your services." We understand this statement as a direction to take no further steps in this matter and a termination of our services.

We enclose a copy of our current Invoice.

Our representation of you and any obligation to assist you in these matters are now concluded. We wish you the best of luck in the future.

If you have any questions about this, please contact us.

Yours truly,